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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
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09/998,819Filed
10-25-2001on **February 28, 2007**Signature /Robert J. Irvine III/First Named Inventor
Edward P. CampbellTyped or printed
name **Robert J. Irvine III**Art Unit
2145Examiner
Adnan M. MirzaApplicant requests review of the final rejection in the above-identified application. No amendments are being filed
with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor./Robert J. Irvine III/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)Robert J. Irvine III

Typed or printed name

☒ attorney or agent of record.Registration number 41,865312-913-0001

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

February 28, 2007

Date

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 01-1014)**

In the Application of:)	
)	
Edward P. Campbell)	
Michael S. Borella)	Group Art Unit: 2145
)	
Serial No.: 09/998,819)	
)	Examiner: Adnan M. Mirza
Filed: October 25, 2001)	
)	
For: System and Method for Session)	Confirmation No. 5915
Control in a Mobile Internet)	
Protocol Network)	

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Alexandria Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request Review of the presently rejected claims due to clear error in the Examiner's rejections because the Examiner's reference does not contain each and every element recited in Applicants' claims.

I. Background:

A. The Claimed Invention

The Applicants' invention is related to controlling communication sessions in mobile networks. Without reference to any specific claim, each of the claims generally describe, in varying levels of detail and with various related steps or components, methods and systems where a mobile device is engaged in a first communication session over an air interface between the mobile node and a serving node; a request to accept a second communication session is detected; and then, upon

accepting the request for the second communication session, the first communication session is put on hold (or suspended) at the serving node and the second communication session occurs over the same air interface between the serving node and the mobile device that was being used by the first communication session. As Applicants stated, in prior art systems, "if two or more communications sessions terminate on a mobile node, one or more of the sessions is suspended (put 'on hold'), while only one session is actively used on the mobile node" resulting "in the waste of airlink bandwidth...since two or more airlink interfaces are being used to and from the mobile node, even though only one session is actively used on the mobile node [while] the other sessions are out 'on hold.'" (Applicants' Specification, paragraph [0009])

Applicants' system, however, puts the first communication session on hold and utilizes the same air interface (between the serving node and the mobile device) that was being used by the first communication session for purposes of the second communication session.

B. Status of the Claims

In the Final Office Action mailed on November 28, 2006, the Examiner rejected all the claims (1-26) as unpatentable under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,490,624 to Sampson, et al. (hereinafter "Sampson").

C. Examiner's Cited Reference

Unlike Applicant's disclosed invention, Sampson describes a system that simplifies the way in which computer users, or "clients," access information on protected servers. In particular, Sampson discloses a system that enables a client to access information on multiple protected servers controlled by multiple access servers without having to log in to each access server that controls each protected server. Sampson's system provides this functionality by providing a session manager that tracks client-server session information and grants clients access to protected servers based on the client-server session information. Nothing in Sampson discusses controlling communication sessions in mobile networks, or conserving air interface resources.

II. Argument

Applicants submit that the rejection is improper and should be withdrawn because the Sampson reference does not teach each and every element recited in the claims, individually or in combination, as particularly set forth below:

A. Sampson does not disclose a first communication session “on hold” (or “suspended”) as recited in claims 1, 8, 13, 18 and 22.

Claim 1 recites, *inter alia*, “determining whether the first communication session is put **on hold** on the client device to communicate data associated with the second communication session”; claim 8 recites, *inter alia*, “determining whether the second communication session is accepted and **the first communication session is put on hold** on the mobile terminal”; and claim 13 recites, *inter alia*, “sending a second signaling message from the mobile node, the second signaling message comprising instructions to **put the first communication session on hold** and activate the second communication session”; claim 18 recites, *inter alia*, “detecting that **a first communication session** associated with the mobile node **is suspended**”; and claim 22 recites, *inter alia*, “detecting that **a first communication session** associated with the mobile node **is suspended**” and “detecting that the **first communication session is suspended** on the mobile node.”

The first communication session in Applicants’ claims is put on hold (or suspended) so that a second communication session can occur over an existing air interface associated with the first communication session. The Examiner argues that Sampson, col. 14, lines 34-41 discloses “determining if a communication session [sic] put on hold” because “Session Manager determines that client is active and may interact with protected server to access its resources...;[h]owever, if the session managers did not communicate with one another to update session information, Session Manager would determine that Client last contacted it more than 15 min ago and Idle time out error would occur.” (Advisory Action, page 3). Contrary to Examiner’s assertion, however, Sampson’s description of two session managers communicating with each other to determine when a client last accessed a protected resource does not show or suggest a first communication session “on hold” (or “suspended”) so that a second communication session can occur over an existing air interface associated with the first communication session as recited in claims 1, 8, 13, 18 or 22 for at least the reason that Sampson does not describe a second communication session occurring over the same air interface associated with the first communication session while the first communication session is “on hold” or “suspended.”

B. Sampson does not disclose using an “existing air interface associated with the first communication session” for communicating data associated with a second communication session as recited in claims 1, 8, 13, 18 and 22.

Claim 1 recites, *inter alia*, “**switching data flow associated with the second communication session to an existing air interface associated with the first communication**

session”; claim 8 recites, *inter alia*, “use an existing air interface associated with the first communication session for communicating data associated with the second communication session”; claim 13 recites, *inter alia*, “switching a second data flow associated with the second communication session to an air interface associated with the first communication session”; claim 18 recites, *inter alia*, “switch a second communication session associated with a mobile node to an existing air interface”; and claim 22 recites, *inter alia*, “switch the second communication session to an existing air interface associated with the first communication session.” The first communication session in Applicants’ claims is put on hold (or suspended) so that a second communication session can occur over an existing air interface associated with the first communication session. The first communication session must be “on hold” or “suspended” for the second communication session to use the existing air interface associated with the first communication system because the first and second communication sessions do not occur over the same air interface at the same time.

Contrary to the Examiner’s assertions on pages 2 and 4 of the Final Office Action, neither Sampson, col. 18, lines 31-44 nor col. 14, lines 43-67 teach using an “existing air interface associated with the first communication session” for communicating data associated with a “second communication session” for the following reasons.

The Examiner’s first cited section of Sampson describes a “[n]etwork link 720” providing “data communications through one or more networks to other data devices,” where the “data devices” are described as “a host computer 724 or...data equipment operated by an Internet Service Provider (ISP) 726,” where “ISP 726 in turn provides data communication services through the world wide packet data communications network now commonly referred to as the ‘Internet’ 728,” and where “[l]ocal network 722 and Internet 728 both use electrical, electromagnetic or optical signals that carry digital data streams.” (Sampson, col. 18, lines 31-44) However, Sampson’s description of the basic interaction between local hosts and data equipment operated by an ISP which allows the local hosts to communicate with other hosts over the Internet does not show or suggest using an “existing air interface associated with the first communication session” for communicating data associated with a second communication session as recited in claims 1, 8, 13, 18 and 22.

The Examiner’s second cited section of Sampson describes a “Topology Mechanism 440” that “sends one or more Purge Session messages to the Session Managers” after “expiration of a pre-determined time period” which causes “each Session Manager [to] delete from its storage media any session information that is older than the predetermined time period.” (Sampson, col. 14, lines

50-59) Sampson further explains that the “Purge Session messages” are desirable because “a Session Manager that receives the Purges Session object is deleted from memory and the memory [the Session Manager] occupied is recovered.” (Sampson, col. 14, lines 59-67). However, nothing in Sampson’s description of a “Topology Mechanism” sending “Purge Session message” to “Session Managers” to free up memory space shows or suggests using an “existing air interface associated with the first communication session” for communicating data associated with a “second communication session.”

III. Conclusion

Applicants submit that the present application is in condition for allowance because the Examiner’s cited reference does not show or suggest each and every element of Applicants’ claimed invention. Accordingly, Applicants respectfully request favorable reconsideration and allowance of all the pending claims.

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: February 28, 2007

By: /Robert J. Irvine III/
Robert J. Irvine III
Registration No. 41,865